



SPENCER M. TAYLOR
t: (205) 226-8755
f: (205) 488-5688
e: staylor@balch.com

April 10, 2015

VIA SUBMISSION@FOIAONLINE.REGULATIONS.GOV

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

Re: Freedom of Information Act Request

Dear FOIA Officer:

Please accept this request for information on behalf of Public Service Company of New Hampshire ("PSNH") pursuant to the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"), and the United States Environmental Protection Agency's ("EPA" or the "Agency") FOIA regulations under 40 C.F.R. Part 2. This request is in follow-up to my previous information request, No. EPA-HQ-2015-003265 (submitted Jan. 15, 2015),¹ which sought certain records specific to PSNH's Schiller Station in Portsmouth, New Hampshire ("Schiller Station"). Therefore, please exclude from the scope of this request any records that EPA has already produced—or intends to produce, pursuant to the agreed production schedule—in response to the above-referenced prior FOIA Request. Also, please exclude any documents provided by PSNH to the Agency.

Specifically, we are requesting the following types of records for the period January 15, 2015, to present:

- Any and all communications between EPA staff and/or the United States Department of Justice and any member, employee, attorney, or representative of the Sierra Club (collectively, "Sierra Club") concerning Sierra Club's July 24, 2014 Petition to Object to the Proposed Title V Permit for PSNH's Schiller Station, issued by the New Hampshire Department of Environmental Services ("the Petition");
- Any and all communications between EPA staff and/or the United States Department of Justice and any member, employee, attorney, or representative of the Sierra Club concerning the lawsuit styled *Sierra Club v. Regina McCarthy, in her official capacity as Administrator of the United States Environmental Protection Agency*, Case No. 1:14-cv-02149-CRC, pending in the United States District Court for the District of Columbia ("the Lawsuit"), including, but not limited to, any proposed settlement agreement in the Lawsuit and any discussions or negotiations concerning the Title V operating permit for Schiller

¹ <https://foiaonline.regulations.gov/foia/action/public/view/request?objectId=090004d280560d83>

Station or the timeframe for EPA's ruling on the Petition and any discussions or negotiations regarding attorneys' fees sought by Sierra Club as a result of the Lawsuit;

- Any and all internal communications among EPA staff at Headquarters in DC, at the Region 1 office, and/or at the Agency's North Carolina office regarding Schiller Station's Title V operating permit, including any notes taken by any EPA staff member relevant to any meetings, discussions, or teleconferences that have taken place with Sierra Club; and,
- Any and all records related to any meeting or conference (whether in person or via telephone) between EPA staff and Sierra Club concerning the Petition, the Lawsuit, attorneys' fees sought by Sierra Club, or the Title V operating permit for Schiller Station, and including, but not limited to, any records documenting such meeting or conference, any attendance records, and any records exchanged or presented at such meeting or conference.

Please note that for purposes of this FOIA request, the phrase "EPA staff" includes any employee of EPA as well as any legal representative of EPA. These requests include, but are not limited to, any electronic communication using any government or personal account.

Please be aware that, because this request pertains to time-sensitive matters, we do not wish to grant any extensions of time beyond the statutorily-required twenty (20) working days under the FOIA. We believe this is reasonable, particularly given that: (1) the temporal scope of our request includes less than a three month period; (2) the types of records sought are the same types of records EPA has very recently searched for and reviewed in response to our January 15, 2015 FOIA request; and (3) we have narrowed the scope of this request as compared to the last request by removing all references to the Town of Eliot's section 126 petition. Therefore, please be prepared to issue EPA's full and final response within 20 working days from the date upon which EPA receives this request.

We believe the information requested herein is subject to mandatory disclosure under FOIA and that none of FOIA's disclosure exemptions apply to the requested information. However, should you determine that any responsive records contain exempt information, we respectfully request that you provide any "reasonably segregable portion of [such] record" (*i.e.*, redacted copies), as required under FOIA, 5 U.S.C. § 552(b). Should EPA determine to withhold any responsive records or portions thereof, we further request that EPA provide a description of the withheld information along with the basis for withholding.

We are willing to pay the reasonable costs associated with this request up to \$1,000.00 without further authorization. Please contact me immediately should the costs for responding to this request reach this amount in order to discuss further cost assurance.

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Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Spencer M. Taylor", with a stylized flourish at the end.

Spencer M. Taylor

SMT:mr

cc: Linda T. Landis, Esq.
R. Bruce Barze, Jr.